



W.P(MD)No.83 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.02.2024

CORAM :

**THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE G.ILANGO VAN**

W.P(MD)No.83 of 2024

Kalanthar Ashik Ahamed

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Ramanathapuram District.
- 2.The Tahsildar,
Office of the Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.
- 3.The Block Development Officer,
Office of the Block Development Office,
Thiruvadanai Union, Ramanathapuram District.
- 4.The Executive Officer,
Thondi Town Panchayat,
Thiruvadanai Union,
Ramanathapuram District.
5. K.S.K.Nainar Ali

6. K.Sekar

.. Respondents

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PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, directing the respondents Nos.1 to 4 to remove the encroachment made by the 5th and 6th respondent in Survey No. 72/1C of government library building located at Sathiram Street, Thondi Town Panchayat in view of the proceedings of the 1st respondent in Oo.Mu. (B3)/24281/2023 dated 08.06.2023 and by considering the petitioner's representation dated 12.05.2023 within the period as stipulated by this Court.

For Petitioner : Mr.S.Atham Ali

For Respondents : Mr.P.Thilak Kumar,
Government Pleader for R1 to R4

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

Heard the learned counsel for the parties.

2. The learned counsel for the petitioner submits that encroachment has been made by respondents 5 and 6 on a library land in S.No.72/1C.



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3. The learned Government Pleader submits that the survey was conducted, there was some encroachments found and the said encroachments have been removed. Respondent No.6 has not encroached.

4. According to the learned counsel for the petitioner, a communication is made between the respondents authorities, suggesting to remove the encroachment made by the respondent No.6.

5. In a writ petition, we cannot decide upon the disputed questions of fact. The respondent authority contends that the encroachments were found upon survey and they have been removed and respondent No.6 has not encroached.

6. If the petitioner or any other aggrieved person is prejudiced by the measurement carried out then the remedy is available by way of an appeal as against the said measurement. The said remedy can be availed of.



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WEB COPY 7. This Writ Petition is accordingly disposed of. No costs.

(S.V.G., CJ.)

(G.I., J.)

27.02.2024

NCC :Yes/No
Index : Yes/No
vsm



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